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January 27, 2025

Via ECF

Hon. Jessica G. L. Clarke, U.S.D.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
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New York, New York 10007-1312

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MEMO ENDORSED

Re: *Battaglia v. New York City Transit Authority, et al.*, Case No. 1:23-cv-03446-JGLC

Dear Judge Clarke:

We represent Defendants New York City Transit Authority and Metropolitan Transportation Authority (together, “Defendants”) in connection with the above-referenced matter. Together with Plaintiff Salvatore Battaglia, we write pursuant to Rule 3(e) of Your Honor’s Individual Practices in Civil Cases, to propose a briefing schedule for Defendants’ anticipated motion for summary judgment and motion to preclude the testimony of Plaintiff’s purported expert, John E. Beauzile; and Plaintiff’s anticipated motion for partial summary judgment.

In accordance with Your Honor’s September 25, 2024 scheduling order, fact discovery ended on October 25, 2024 and expert discovery ended on January 20, 2025. (Dkt. 49 at 3.) An in-person case management conference before Your Honor is scheduled for February 5, 2025 at 10:00 a.m. (*Id.*)

Defendants intend to move for summary judgment on all of Plaintiff’s claims for disability discrimination and failure-to-accommodate, which are asserted under the Americans with Disabilities Act and New York City Human Rights Law, and to seek dismissal of the Complaint in its entirety with prejudice. Defendants also intend to move to preclude Mr. Beauzile’s testimony with respect to Plaintiff’s purported pension loss damages.

Likewise, Plaintiff intends to move for partial summary judgment on Plaintiff’s claim for failure to reasonably accommodate a disability pursuant to the New York City Human Rights Law.

That being said, the parties are engaged in ongoing settlement discussions, and have participated in two pre-settlement conference calls with Magistrate Judge Ona T. Wang (on December 12, 2024 and January 16, 2025). An in-person settlement conference with Magistrate Judge Wang is scheduled for February 12, 2025 at 10:30 a.m. (Dkt. 59.) Given their current focus on resolving this matter through settlement, the parties have met and conferred, and respectfully request that the Court enter the following briefing schedule:



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Deadline for Summary Judgment Motions and Rule 702-705/<i>Daubert</i> Motions	March 25, 2025
Deadline for Oppositions	April 22, 2025
Deadline for Replies	May 6, 2025

Respectfully submitted,

/s/ Michelle A. Annese

Michelle A. Annese

cc: All Counsel of Record (via ECF)

Application GRANTED. Parties shall submit briefing by the proposed deadlines above. The conference scheduled for February 5, 2025 is ADJOURNED *sine die*. The Clerk of Court is directed to terminate ECF No. 61.

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke".

JESSICA G. L. CLARKE
United States District Judge

Dated: January 28, 2025
New York, New York